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BRINKS HOFER GILSON &LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of:	DUSAN PAVCNIK, ET AL.	
Appln. No.:	10/662,216	Examiner: Amy T. Lang
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APPLICANTS' BRIEF ON APPEAL

Pursuant to 37 C.F.R. §41.37, Applicants submit their Brief on Appeal, as set forth below.

I. REAL PARTIES IN INTEREST

The real parties in interest in this appeal are Cook Incorporated, an assignee, as evidenced by an assignment recorded June 15, 2004, at Reel 015499, Frame 0721; and Oregon Health & Science University, an assignee, as evidenced by an assignment recorded July 16, 2004, at Reel 015566, Frame 0178.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Applicants, or to Applicants' legal representatives or assignees, which will directly affect, or would be directly affected by, or have a bearing on, the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1, 3, 8-18, 20 and 22-44 stand finally rejected by the Examiner as noted in the Advisory Action mailed October 19, 2009. The rejections of claims 1, 3, 8-18, 20 and 22-44 are being appealed.

IV. STATUS OF AMENDMENTS

The Applicants' Amendments and Remarks of October 2, 2009, submitted subsequent to the Examiner's Final Rejection mailed August 4, 2009, were considered by the Examiner prior to the filing of this appeal, and have been entered for purposes of this appeal. See the Advisory Action mailed October 19, 2009.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In general, the claimed subject matter relates to a retrievable filter that includes both a filter and a stent releasably attached to one another by a two part

locking mechanism comprised of first and second attachment members that are separate from, but attachable to one another.

Independent Claim 1: The claimed subject matter of Independent Claim 1 relates to a retrievable filter with a filter having a plurality of divergent legs including first ends secured at an apical hub and second ends; a first attachment member separate from, but attached to the second end of at least one of the legs; a stent; and a second attachment member separate from, but attached to the stent, the first and second attachment members being separate from, but attachable to one another to releasably attach the filter to the stent. See, e.g., the Specification at pages 11-15, paragraphs [0053] – [0066] and FIGS. 6, 7, 9-14, 16, 17 and 19 for the claimed subject matter of Claim 1 (reference numerals 300, 300' (filter), 200, 200' (stent), 520, 520' (first attachment member), and 510, 510' (second attachment member)).

Independent Claim 40: The claimed subject matter of Independent Claim 40 relates to a retrievable filter with a filter having a plurality of divergent legs, each of which includes a downstream end connected at an apical hub and an upstream end, each of the divergent legs further including a cannula and a lumen; a first attachment member separate from, but attached to at least one of the divergent legs, the first attachment member including at least one attachment wire attached to a retrieval connection member and extending through at least one lumen of the plurality of divergent legs; a stent; and a second attachment member separate from, but attached to the stent, the first and second attachment members being separate from, but attachable to one another to releasably attach the filter to the stent. See e.g., the Specification at pages 11-15, paragraphs [0053] – [0066], and Figures 6, 7, 9-14, 16 and 17 for the claimed subject matter of Claim 40 (reference numerals 300' (filter), 310'-340' (divergent filter legs), 310d, 320d, 330d, 340d (lumens), 350' (apical hub),

521' (attachment wires, i.e., first attachment member), 355' (retrieval connection member),, 200, 200' (stent), 510, 510' (filter attachment means, i.e., second attachment member)).

Independent Claim 44: The claimed subject matter of Independent Claim 44 relates to a retrievable filter with a filter having a plurality of divergent legs including first and second ends, at least one of which is secured at the first end to an apical hub; a first attachment member separate from, but attached to the second end of one of the divergent legs; a stent comprising a frame including a closed circumference, the frame having a plurality of sides interconnected by a series of bends, each of which includes a coil; and a second attachment member separate from, but attached to the stent, the first and second attachment members being separate from, but attachable to one another to releasably attach the filter to the stent, at least one of the divergent legs being releasable secured at the second end to at least one of the sides of the stent by the first and second attachment members, the filter and the stent being releasable secured to one another between an unattached position in which the first and second attachment members are not attached to one another and an attached position in which the first and second attachment members attach to one another. See, e.g., the Specification at pages 7-12, paragraphs [0042] - [0057], and Figures 3, 3A, 4, 4A, 4B, 5, 6, 6A, 7 and 8 (reference numerals 300 (filter), 350 (apical hub), 310-340 (divergent legs), 200 (stent), 11 (frame), 62 (closed circumference), 13 (plurality of sides), 12 (bends), 14 (coil), 520 (stent attachment means, i.e., first attachment member), 510 (filter attachment means, i.e., second attachment member)).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed include:

A). The rejections under 35 U.S.C. § 112, second paragraph, that Claims 10, 14-17, 22-24, 34 and 37 lack antecedent basis and that Claim 40 is indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

B). The rejections under 35 U.S.C. § 102(e) that Claims 1, 3, 8-17, 20, 22, 24-26 and 36 are anticipated by U.S. Patent No. 6,712,843 to Yassour et al. ("Yassour").

C). The rejections under 35 U.S.C. § 103(a) that Claims 18, 27-35 and 37-39 are unpatentable over Yassour; that Claims 23 and 40 are unpatentable over Yassour in view of U.S. Patent No. 6,342,063 to DeVries et al. ("DeVries"); and that Claim 44 is unpatentable over Yassour in view of U.S. Publication No. 2002/0116024 to Goldberg at al. ("Goldberg").

These grounds of rejection are set forth in the Final Office Action mailed August 4, 2009.

VII. ARGUMENT

A. Rejections Under 35 U.S.C § 112

Responsive to the rejections of Claims 16 and 34 under 35 U.S.C. § 112, second paragraph, for insufficient antecedent basis for the limitation "the locking mechanism," Claim 16 has been amended to recite that "at least one of the first attachment member and the second attachment member is configured to avoid contact with the tubular vessel" and Claim 34 has been amended to recite that "at least one of the first attachment member and the second attachment member further

comprises a coiled attachment member." There is sufficient antecedent basis for "the first attachment member and the second attachment member" in Claim 1, upon which Claims 16 and 34 depend.

Responsive to the rejections of Claims 10, 14, 15, 17, 22-24, and 37 under 35 U.S.C. § 112, second paragraph, for insufficient antecedent basis for the limitation "filter attachment means and stent attachment means," Claims 10, 22-24, and 37 have been amended to recite the limitations "first attachment member" and "second attachment member," for which there is sufficient antecedent basis in Claim 1, upon which Claims 10, 22-24, and 37 generally depend.

Responsive to the rejection of Claim 40 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, Claim 40 has been amended to recite that the at least one attachment wire is "attached to a retrieval connection member," examples of which are shown and described with respect to Figs. 6 and 16-18. See, e.g., paragraphs [0065]-[0066] of Applicants' specification as originally filed.

B. Rejection Under 35 U.S.C § 102(e)

Responsive to the rejections of Claims 1, 3, 8-17, 20, 22, 24-26, and 36 in the Final Office Action mailed on August 4, 2009, "as being anticipated by Yassour et al.," Yassour fails to teach each and every element as set forth in the invention as claimed in independent Claim 1. For anticipation under 35 U.S.C. § 102, "the reference must teach every aspect of the claimed invention ..." MPEP §706.02 (emphasis added).

1. Independent Claim 1: Independent Claim 1 includes a filter with a plurality of divergent legs, a first attachment member separate from, but attached to the second end of at least one of the divergent legs, a stent, and a second attachment member separate from, but attached to the stent. The first and second attachment members are separate from, but attachable to one another to releasably attach the filter to the stent.

First of all, Yassour does not disclose a filter having "a plurality of divergent legs." Rather, Yassour teaches a thimble-like metallic net filtering unit 100 with laterally projecting hooks 114 and an anchoring member 102 with a slightly narrowed portion 109. See col. 7, lines 12-15; col. 8, lines 6-15. The filtering unit 100 in Yassour does not have "a plurality of divergent legs" as disclosed in the present application. See, e.g., Applicants' Specification, FIGS. 1, 2, 6 and 16, depicting filter part 300, 300' having a plurality of divergent legs and paragraph [0049], describing the legs 310, 320, 330 and 340 as "collectively arrayed in a conical geometric configuration so that the legs converge to the apical hub 350." Consistent with Applicants' disclosure with respect to the teaching of a filter having "a plurality of divergent legs," Merriam-Webster's online Dictionary defines "divergent" as "to go or move in different directions from a central point." See http://www.merriam-webster.com/thesaurus/diverge.

The Examiner states in the Advisory Action mailed October 19, 2009 that the filter of Yassour comprises struts that initially move in opposite directions from a central point and further that the struts differ from one another to form the netting and, therefore, the struts are "divergent." The filtering unit 100 of Yassour, however, is "made of fine wire woven into a net having a mesh." See col. 7, lines 13-

15. Thus, the fine wires do not "diverge" or "separate." Rather, they extend in a direction towards one another in order to interweave.

Moreover, one of ordinary skill in the art would appreciate the distinction between "a plurality of divergent legs" recited in Claim 1 and shown and described in Applicants' Specification and the woven metallic net disclosed in Yassour. This distinction is further supported by Yassour's use of the different terms "metallic net," used to describe the filtering unit 52, and "connecting legs 54," used to describe the legs connecting the filtering unit 52 to the anchoring member 56 in Fig. 2A. See col. 7, lines 14-19. Thus, Yassour fails to teach a filter having "a plurality of divergent legs."

Additionally, Yassour fails to teach "a first attachment member separate from, but attached to the filter." Rather, Yassour teaches hooks 114 projecting from the filtering unit 100 and there is no teaching, whatsoever, in Yassour that the hooks 114 are "separate from, but attached to" the filtering unit 100. In fact, the hooks 114 are shown in FIG. 6F, for example, as an integral part of the filtering unit 100.

Furthermore, Yassour does not teach "a second attachment member separate from, but attached to the stent, the first and second attachment members being separate from, but attachable to one another to releasably attach the filter to the stent." Contrarily, Yassour teaches an anchoring member 102 "with a front end 106 being slightly narrowed at portion 109." The alleged second attachment member, i.e., the narrowed portion 109, is not "separate from, but attached to" the anchoring member 102.

The Examiner states in the Advisory Action mailed October 19, 2009 that the narrowed portion 109 is "separate from the stent since it comprises a

different structure than the remainder of the stent and is used for a separate function." The Examiner further defines "separate" as "to divide into individual units" and states that "one can easily divide the Yassour filtering device into the stent and the narrowed portion since each comprise different units." Applicants respectfully traverse this assertion. The stent 102 cannot be divided into separate individual units merely because there are portions with different dimensions. The narrowed portion 109 of the stent 102 is still a unitary part of the stent. To state otherwise is analogous to stating that the wider portion of the filter of Applicants' invention is separate from, but attached to the narrower portion of the filter. However, the stent 102 in Yassour, like Applicants' filter, is clearly one unit.

Moreover, Merriam-Webster's online Dictionary further defines "separate" as "to become divided or detached." See http://www.merriam-webster.com/dictionary/separate. Conversely, the narrowed portion 109 of the stent 102 is not capable of becoming divided or detached from the stent 102. Regardless of whether a structure has portions with different dimensions, there is no reasoning, whatsoever, to support an assertion that a narrowed portion of the structure is a different unit or that it can become divided or detached from the structure. The narrowed portion 109 of the stent 102 is clearly still the stent 102, not an attachment member "separate from, but attached to" the stent 102. Thus, Claim 1 cannot be anticipated.

2. Claims 3, 8-13, 16, 20, 22, 24-26 and 36 depend from Claim 1 and distinguish over Yassour for at least the reasons stated above in connection with Claim 1.

C. Rejection Under 35 U.S.C § 103(a)

Responsive to the rejections of Claims 18, 23, 27-35, 37-40 and 44 in the Final Office Action mailed on August 4, 2009, as being unpatentable over Yassour, Yassour in view of DeVries, and Yassour in view of Goldberg, the combination of Yassour, DeVries, and Goldberg fails to teach or suggest each and every element as set forth in the invention as claimed in independent Claims 1, 40 and 44.

1. Claims 18, 23, 27-35 and 37-39 depend from Claim 1 and distinguish over Yassour for at least the reasons state above in connection with Claim 1. Accordingly, Yassour alone, or combined with either reference, fails to teach or suggest each and every element of Claims 18, 23, 27-35 and 37-39 and thus, Claims 18, 23, 27-35 and 37-39 cannot be unpatentable.

2. Independent Claim 40: Independent Claim 40 includes a filter having a plurality of divergent legs, each of which includes a cannula and a lumen, a first attachment member separate from, but attached to at least one of the divergent legs, a stent, and a second attachment member separate from, but attached to the stent. The first and second attachment members are separate from, but attachable to one another to releasably attach the filter to the stent. The first attachment member includes at least one attachment wire attached to a retrieval connection member and extending through at least one lumen of the plurality of divergent legs. An upward motion applied to the retrieval connection member disengages the at least one attachment wire of the first attachment member from the second attachment member.

First of all, Claim 40 includes the limitations recited in Claim 1 as mentioned above. Thus, Yassour fails to teach or suggest each and every element of Claim 40 for at least the reasons provided above with respect to Claim 1 and DeVries fails to cure the deficiencies of Yassour. Moreover, the Examiner

acknowledges in the Final Office Action mailed August 4, 2009 that Yassour fails to disclose an attachment wire extending through the lumen of the filter legs and combines DeVries with Yassour to teach such limitation.

Contrarily, DeVries teaches struts 24 and an anchor member 30, both of which are covered by an insulating layer 39. The stem 32 of the anchor member 30 is attached to the strut 24 with a link 40, which includes first and second bores 42, 44. The first bore 42 receives the stem 32 of the anchor member 30 and the second bore 44 receives the free end 28 of the strut 24. See col. 5, lines 21-55. Thus, the alleged attachment wire, i.e., the stem 32, fits within the bore 44 of the link 40. It does not "extend through at least one lumen of the plurality of divergent legs." In fact, the legs, i.e., struts 24, do not even comprise a lumen. Thus, the Examiner has clearly misrepresented the teachings of DeVries. DeVries not only fails to teach or suggest a plurality of legs comprising a cannula and a lumen and an attachment wire extending therethrough to a retrieval connection member, there is no teaching in DeVries of applying an upward motion to the alleged retrieval connection member to disengage the alleged attachment wire from a second attachment member. Accordingly, the combination of Yassour and DeVries fails to teach or suggest each and every element of the claimed invention as recited in Claim 40.

Further, even if, for the sake of argument, DeVries taught a filter leg having an attachment wire disposed within a lumen thereof and attached to a retrieval connection member, combining Devries with Yassour to teach such limitations is improper. Not only is the combination improper because Yassour fails to teach or suggest a plurality of divergent legs in the first place, as provided above in connection with Claim 1, there is no reason to provide a lumen, with an attachment wire disposed within, through such fine, woven wires. "It can be

important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in a way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known." *KSR Int'l Co. v. Teleflex Inc.,* 127 S. Ct. 1727, 1741 (2007).

The Examiner states in the Advisory Action mailed October 19, 2009 that the attachment mechanism of DeVries would "enhane (sic) the Yassour device," however, no attention is given to the limitation "wherein an upward motion applied to the retrieval connection member disengages the at least one attachment wire of the first attachment member from the second attachment member." Since the wires in Yassour are woven, rather than divergent, this "upward motion applied to the retrieval connection member" limitation would be entirely negated. Accordingly, not only does the combination of Yassour and DeVries fail to teach or suggest each and every element of the claimed invention as recited in Claim 40, such combination is improper and thus, Claim 40 cannot be unpatentable.

3. Independent Claim 44: Independent Claim 44 includes a filter having a plurality of divergent legs, a first attachment member separate from, but attached to the second end of at least one of the plurality of divergent legs, a stent, and a second attachment member separate from, but attached to the stent. The first and second attachment members are separate from, but attachable to one another to releasably attach the filter to the stent. The stent comprises a frame including a closed circumference, the frame having a plurality of sides interconnected by a series of bends, each bend including a coil. At least one of the divergent legs of the filter is releasably secured at the second end to at least one of the plurality of sides

of the stent by the first and second attachment members. The filter and the stent are releasably secured to one another between an unattached position in which the first and second attachment members are not attached to one another and an attached position in which the first and second attachment members attach to one another.

Claim 44 includes the limitations recited in Claim 1 as mentioned above. Thus, Yassour fails to teach or suggest each and every element of Claim 44 for at least the reasons provided above with respect to Claim 1 and Goldberg fails to cure the deficiencies of Yassour. Accordingly, Yassour alone, or combined with either DeVries or Goldberg, fails to teach or suggest each and every element of Claims 18, 23, 27-35, 37-40 and 44 and thus, Claims 18, 23, 27-35, 37-40 and 44 cannot be unpatentable.

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VIII. CLAIMS APPENDIX

1. (Previously Presented): A retrievable filter for filtering solid and semi-solid materials from a liquid moving axially in a generally tubular vessel of a mammal comprising:

a) a filter comprising an apical hub and a plurality of divergent legs including first and second ends, at least one of the plurality of divergent legs being secured at the first end to the apical hub;

b) a first attachment member separate from, but attached to the second end of at least one of the plurality of divergent legs;

c) a stent; and

d) a second attachment member separate from, but attached to the stent, the first and second attachment members being separate from, but attachable to one another to releasably attach the filter to the stent.

2. Canceled.

3. (Previously Presented): The retrievable filter of claim 1 wherein the stent is configured to engage a wall of the generally tubular vessel and become incorporated by endothelial tissue.

4. Canceled.

5. Canceled.

6. Canceled.

7. Canceled.

8. (Previously Presented): The retrievable filter of claim 1 further comprising a retention force capable of withstanding the liquid moving axially in the generally tubular vessel and a retrieval force to detach the filter from the stent, wherein the retention force is greater than the retrieval force.

9. (Previously Presented): The retrievable filter of claim 1 wherein the filter is configured to maintain its structure when the filter is detached from the stent.

10. (Previously Presented): The retrievable filter of claim 1 wherein the filter is configured to maintain its structure when the first attachment member is detached from the second attachment member.

11. (Previously Presented): The retrievable filter of claim 1 wherein the filter is configured to avoid contact with the generally tubular vessel.

12. (Previously Presented): The retrievable filter of claim 1 wherein at least one of the first attachment member and the second attachment member is configured to position the filter to avoid contact with the generally tubular vessel.

13. (Previously Presented): The retrievable filter of claim 1 wherein at least one of the first attachment member and the second attachment member is

configured to position at least one of the plurality of divergent legs to avoid contact with the generally tubular vessel.

14. Canceled.

15. Canceled.

16. (Previously Presented): The retrievable filter of claim 1 wherein at least one of the first attachment member and the second attachment member is configured to avoid contact with the tubular vessel.

17. Canceled.

18. (Previously Presented): The retrievable filter of claim 1 wherein the stent is a square stent.

19. Canceled.

20. (Previously Presented): The retrievable filter of claim 1 wherein the stent is self-expanding.

21. Canceled.

22. (Previously Presented): The retrievable filter of claim 1 wherein the first attachment member and the second attachment member form an interference fit.

23. (Previously Presented): The retrievable filter of claim 1 wherein one of the first attachment member and the second attachment member comprises a cannula.

24. (Previously Presented): The retrievable filter of claim 1 wherein one of the first attachment member and the second attachment member comprises an attachment wire.

25. (Previously Presented): The retrievable filter of claim 24 wherein the attachment wire further comprises an extension of one of the filter and the stent.

26. (Previously Presented): The retrievable filter of claim 24 wherein the attachment wire further comprises a bend.

27. (Previously Presented): The retrievable filter of claim 24 wherein the attachment wire further comprises a ball and one of the first attachment member and the second attachment member further comprises a slot and a ball recess.

28. (Previously Presented): The retrievable filter of claim 24 wherein the attachment wire comprises a Y-shaped adapter.

29. (Previously Presented): The retrievable filter of claim 28 wherein the Y-shaped adapter further comprises a Y-shaped prong.

30. (Previously Presented): The retrievable filter of claim 24 wherein the attachment wire comprises a looped adapter.

31. (Previously Presented): The retrievable filter of claim 30 wherein the looped adapter further comprises a looped wire.

32. (Previously Presented): The retrievable filter of claim 24 wherein the attachment wire comprises a coiled adapter.

33. (Previously Presented): The retrievable filter of claim 32 wherein the coiled adapter further comprises a coil.

34. (Previously Presented): The retrievable filter of claim 1 wherein at least one of the first attachment member and the second attachment member further comprises a coiled attachment member, the coiled attachment member comprising at least one coil.

35. (Previously Presented): The retrievable filter of claim 34 wherein the at least one coil is formed from a shape memory alloy.

36. (Previously Presented): The retrievable filter of claim 1 wherein the retrievable filter is configured so that a user can decrease the force required to detach the filter from the stent to remove the filter.

37. (Previously Presented): The retrievable filter of claim 1 further comprising a retrieval connection member and at least one attachment wire attached thereto;

wherein the at least one of the plurality of divergent legs further comprises at least one cannula and at least one lumen;

wherein the at least one attachment wire extends from the retrieval connection member and through the at least one lumen;

wherein the retrieval connection member further comprises a hook;

wherein the hook is configured so that an upward motion applied to the hook disengages the at least one attachment wire of the first attachment member from the second attachment member.

38. (Previously Presented): The retrievable filter of claim 37 wherein the apical hub further comprises an apical hook.

39. (Previously Presented): The retrievable filter of claim 37 wherein the apical hub further comprises a locking ring.

40. (Previously Presented): A retrievable filter for filtering solid and semi-solid materials from a liquid moving axially in a generally tubular vessel of a mammal comprising:

a) a filter comprising a plurality of divergent legs each having an upstream end and a downstream end, each of the plurality of divergent legs further comprising a cannula and a lumen;

b) an apical hub connecting each of the downstream ends of the plurality of divergent legs;

c) a first attachment member separate from, but attached to at least one of the plurality of divergent legs, the first attachment member including at least one attachment wire, the at least one attachment wire extends through at least one lumen of the plurality of divergent legs and is attached to a retrieval connection member;

d) a stent configured to engage a wall of the generally tubular vessel and become incorporated by endothelial tissue; and

e) a second attachment member separate from, but attached to the stent, the first and second attachment members being separate from, but attachable to one another to releasably attach the filter to the stent,

wherein an upward motion applied to the retrieval connection member disengages the at least one attachment wire of the first attachment member from the second attachment member.

41. (Withdrawn): A method for positioning in a lumen at a desired implantation site the retrievable filter of claim 1 comprising the steps of:

advancing a guidewire into a lumen beyond the desired implantation site;

advancing a catheter comprising a dilating cannula and a sheath over the guidewire to the desired implantation site;

removing the dilating cannula and guidewire;

inserting the retrievable filter of claim 1 into the sheath and advancing the retrievable filter of claim 1 to the desired implantation site.

42. (Withdrawn): The method of claim 40 wherein the step of inserting the retrievable filter of claim 1 into the sheath and advancing the retrievable filter of claim 1 to the desired implantation site is performed using a second catheter.

43. (Withdrawn): A method for retrieving from a desired implantation site in a lumen the retrievable filter of claim 1 comprising the steps of:

advancing a guidewire into the lumen to the implantation site;

advancing a catheter over the guidewire to a retrieval connection point of the filter;

withdrawing the guidewire and advancing a retrievable loop through the catheter to the retrieval connection point of the filter;

grasping the retrieval connection point of the filter with the retrievable loop;

withdrawing the retrievable loop and the grasped retrieval connection point of the filter into the catheter and thereby causing locking mechanism to release filter from stent and collapsing filter within catheter.

44. (Previously Presented): A retrievable filter for filtering solid and semi-solid materials from a liquid moving axially in a generally tubular vessel of a mammal comprising:

a filter comprising an apical hub and a plurality of divergent legs including first and second ends, at least one of the plurality of divergent legs being secured at the first end to the apical hub;

a first attachment member separate from, but attached to the second end of at least one of the plurality of divergent legs;

a stent comprising a frame including a closed circumference, the frame having a plurality of sides interconnected by a series of bends, each bend including a coil; and

a second attachment member separate from, but attached to the stent, the first and second attachment members being separate from, but attachable to one another to releasably attach the filter to the stent, at least one of the plurality of divergent legs of the filter being releasably secured at the second end to at least one of the plurality of sides of the stent by the first and second attachment members, wherein the filter and the stent are releasably secured to one another between an unattached position in which the first and second attachment members are not attached to one another and an attached position in which the first and second attachment members attach to one another.

IX. EVIDENCE APPENDIX

None

X. RELATED PROCEEDINGS APPENDIX

None

Respectfully submitted,

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